

12/12/01 WED 17:00 FAX 713 1522

BAKERBOTTSLLP

# VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS -- SMALL BUSINESS CONCERN

Applicant  
Filing Date:  
Attorney's Docket No.:

Marcus B. Gohlke  
068349.0120

Patent No.:  
Serial No.:  
Issued:

Title: "Compositions Comprising Beta Glucan and Lactoferrin, and Methods for Their Use"

I hereby declare that I am:

- ☒ The Owner Of The Small Business Concern Identified Below.  
☐ An Official Of The Small Business Concern Empowered To Act On Behalf Of The Concern Identified Below.

NAME OF SMALL BUSINESS CONCERN:  
ADDRESS OF SMALL BUSINESS CONCERN:

Lactoferrin Products, Inc.  
12302 Astoria Boulevard  
Houston, Texas 77089-6403

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR Part 121 for purposes of paying reduced fees to the United States Patent and Trademark Office in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☒ the specification filed herewith with title as listed above.  
☐ the application identified above.  
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern, or organization having any rights in the invention is listed below:

- ☒ no such person, concern, or organization exists.  
☐ each such person, concern, or organization is listed below.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING:

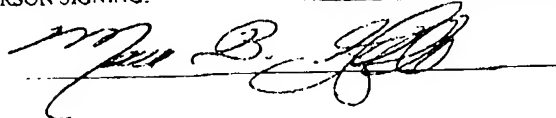
Marcus B. Gohlke

TITLE IF OTHER THAN OWNER:

ADDRESS OF PERSON SIGNING:

12302 Astoria Boulevard, Houston, Texas 77089-6403

SIGNATURE:



DATE:

12/12/01

12/12/01 WED 16:59 FAX 713 522

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FORM 100 VERSION 1.0 (October 27, 1990)

Attorney Docket No. 069349.0120

## DECLARATION

SOLE INVENTOR/JOINT INVENTOR  
ORIGINAL/CIP/DIVISIONAL

As a below named inventor, I hereby declare that: my residence, post office address, and citizenship are as stated below next to my name. I believe I am the original, first, and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**"COMPOSITIONS COMPRISING BETA GLUCAN AND LACTOFERRIN,  
AND METHODS FOR THEIR USE"**

as described in the specification ☒ attached or ☐ of Patent Application Serial No. \_\_\_\_\_ filed \_\_\_\_\_ and amended on \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above; that I do not know and do not believe the same was ever known or used in the United States of America before my, or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application; that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representative or assigns more than twelve months prior to this application; and that I acknowledge the duty to disclose information of which I am aware which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations § 1.56(a). Such information is material when it is not cumulative to information already of record or being made of record in the application, and

- (1) it establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) it refutes, or is inconsistent with, a position the applicant has taken or may take in:
  - (i) opposing an argument of unpatentability relied on by the Office, or
  - (ii) asserting an argument of patentability.

I hereby claim foreign priority benefits under Title 35, United States Code § 119(a) - (d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, any foreign application(s) for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application(s) on which priority is claimed:

COUNTRY	APPLICATION NUMBER	DATE OF FILING	PRIORITY CLAIMED UNDER 35 USC 119
			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/S3/02b attached hereto:

I hereby claim the benefit under 35 USC 119(c) of any United States provisional application(s) listed below.

APPLICATION NUMBER	DATE OF FILING
60,257,013	12/20/00

☐ Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

I hereby claim the benefit under 35 United States Code § 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as any subject matter of any claim of this application is not disclosed in the prior United States or PCT International application, in the manner provided by the first paragraph of 35 USC 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

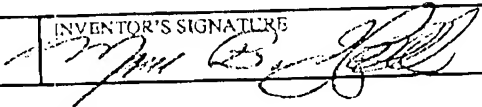
U.S. Parent Application or PCT Parent Number	Parent Filing Date	Parent Patent Number
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF SOLE OR FIRST INVENTOR <b>MARCUS B. GOHLKE</b>	INVENTOR'S SIGNATURE 	DATE <b>12/12/01</b>
RESIDENCE <b>12302 ASTORIA BOULEVARD, HOUSTON, TX 77089</b>		CITIZENSHIP <b>U.S.A.</b>
POST OFFICE ADDRESS <b>12302 ASTORIA BOULEVARD, HOUSTON, TX 77089</b>		